

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 2510 - HB 2812

February 21, 2012

SUMMARY OF BILL: Requires a defendant, who was released on bond but who failed to appear as ordered, to post any new bail in accordance with the factors set out in Tenn. Code Ann. § 40-11-118 and secured by real estate or other sureties.

ESTIMATED FISCAL IMPACT:

Increase Local Expenditures - Exceeds \$66,600*

Assumptions:

- This legislation would require defendants previously released on their own recognizance (ROR) who fail to appear in court as required, to post money or real estate as security for their re-release. If these defendants are unable to post money or real estate, they will remain incarcerated.
- The average total per inmate/day cost to county facilities is \$55.53 (\$4,665 total cost/84 facilities).
- Estimate assumes there are between 100 and 1,000 ROR defendants statewide in any given month. It is estimated that 10 percent of defendants will be unable to post money or real estate to be re-released.
- It is assumed that a range of 10 to 100 defendants are kept in county jail every month due to an inability to post money or real estate. On average, defendants unable to post money or real estate will remain in county jail for 10 days.
- The low estimate of increased local expenditures is \$5,553 per month (\$55.53 average daily county cost x 10 persons x 10 days per month).
- The high estimate for increase to local government expenditures is \$55,530 (\$55.53 average daily county cost x 100 persons x 10 days per month).
- The estimate for yearly increase to local government expenditures is \$66,636 [(\$55.53 average daily county cost x 10 persons x 10 days per month) x 12 months].
- While this bill places additional requirements on courts considering bail bonds for defendants who fail to appear, such additional considerations will not require additional judicial resources. Therefore, this legislation would have no fiscal impact on the state trial and appellate courts.

*Article II, Section 24 of the Tennessee Constitution provides that: *no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise". The signature is fluid and cursive, with the first name "Lucian" written in a larger, more prominent script than the last name "Geise".

Lucian D. Geise, Executive Director

/lsc